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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,096	06/02/2005	Kevin Sydney Lansdown	A-9614	8820

7590 11/21/2006

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EXAMINER

DUCKWORTH, BRADLEY

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/537,096

Applicant(s)

LANDSOWN, KEVIN SYDNEY

Examiner

Bradley H. Duckworth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/2/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second position where the container is constrained from movement must be shown or the feature(s) canceled from the claim(s). As presented neither the specification or drawings provide any structure or means to constrain the container from movement when the platform is rotated, it appears that the device is meant to work in conjunction with another structure such as a wall to provide means for constraining a container, however no wall or other structure is disclosed or claimed. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities: .On page 6 Line 22 the word spit should read split. The paragraph on page 10 starting line 15 has numerous errors and requires revision.

Appropriate correction is required.

***Claim Objections***

Claim 34 is objected to because of the following informalities: The first and on line 3 appears to be a typo and should be changed to or. Appropriate correction is required.

Claims 22, 23, 25,27,28,37,39 and 41 are objected to as they make reference to a wheeled container which is not claimed. The container is not part of the claimed invention, and all claims with limitations drawn to the container were seen as having intended use statements, and as such the claims were viewed as requiring that the device merely be capable of performing the recited use.

Claim 25 is objected to because there is insufficient antecedent basis for said wheel receiving means, for the purposes of examination it was assumed that the said wheel receiving means were in fact the constraining means including means on said platform for receiving said wheels of said waste container as set forth in claim 22.

Claims 37 and 39 are objected to because the term locating means is unclear, first the container and its wheels are not a part of the claimed invention and second it is

unclear what is meant by locating. For the purposes of examination it was assumed that said locating means were in fact constraining means or wheel receiving means as defined in the preceding claims as this was what was meant to the best of the examiner's understanding, and as is congruent with the aforementioned objections, since the trash container was not claimed these intended use statements were examined as if the device had to be capable of performing said function.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29,30, 37 and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In regards to claims 29,30 and 37, the pivot means described in the claims and specification do not allow for pivoting of the platform and the base, but rather allow for rotation of the platform relative to the base. The pivoting means should be renamed to rotation means as this is the operation of the means as disclosed. For the purposes of examination the claims were assumed to read rotation means as this was what was meant as best understood by the examiner. In regards to claims 37 and 39 as stated above in the drawing objections, the second position whereby said container is

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restrained from movement to and from the platform is not disclosed, as there is no means to constrain the container when the platform is rotated. For the purposes of examination it was assumed that the platform was merely capable of being rotated to a position 180 degrees from its initial position, as this was the second position as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-29,32,33,and 36-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Blevins et al. (US005479867). Referring to figures 1 and 2, and further in view of the aforementioned interpretations in the objections and rejections sections, Blevins teaches a rotary table with a platform(40) that has a substantially planar upper surface and a base(10) with the platform supported on the base by a rotation means further comprising bearing means which are radially spaced from the center of the platform and base where the bearing means comprise ball bearings, further comprising constraining means comprising a ridges(50) that are provided on opposite sides of the platform that define recesses defined by the ridges(42) that is capable of receiving and restraining the wheels of a trash container, further with the ridges converging toward each other from the front end of the platform to the rear end, with any section being the front as the ridges are in the form of a circle which converges with itself at any point on

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the outer edge of the platform, further with a ridge at the rear of the platform that could act as a stop to restrain a waste container, again with any section being named the rear, whereby the ridges define a platform area that would be complementary to a cross section of a waste container with the same shape. The platform further being rotatable from a first position to a second position approximately 180 degrees from the first position. Further with any portion being an entry/exit for an article received on the platform where the entry/exit is bounded at least on opposite sides by said ridges.

FIG. 1

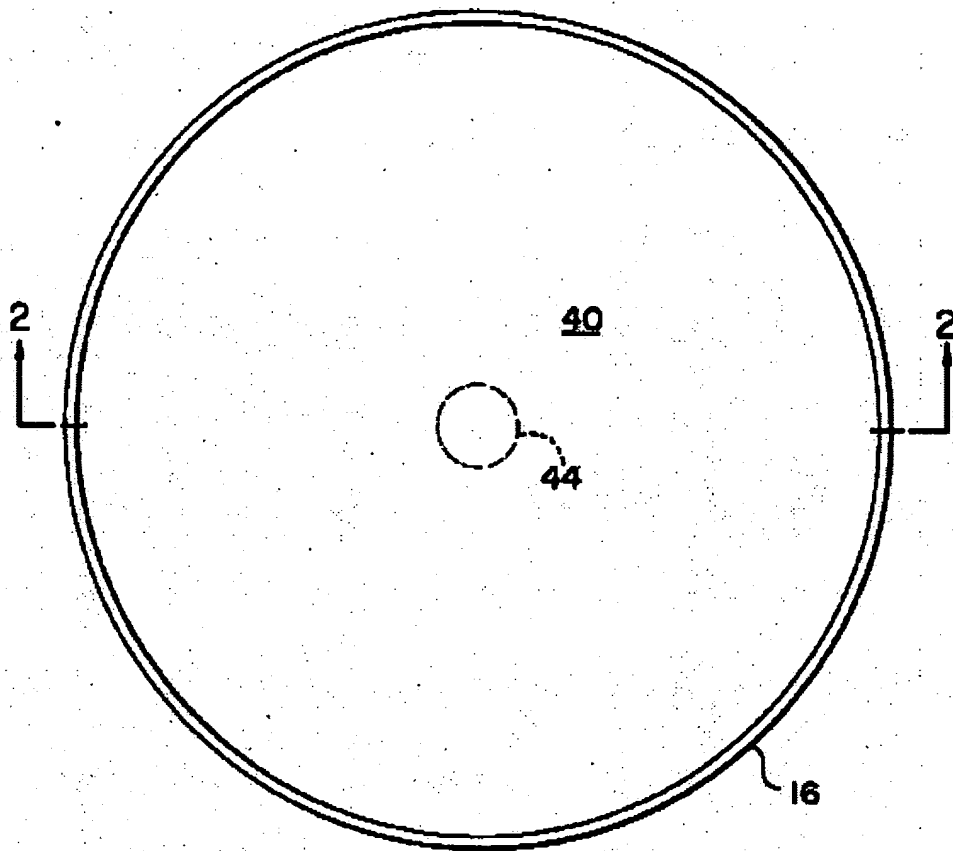
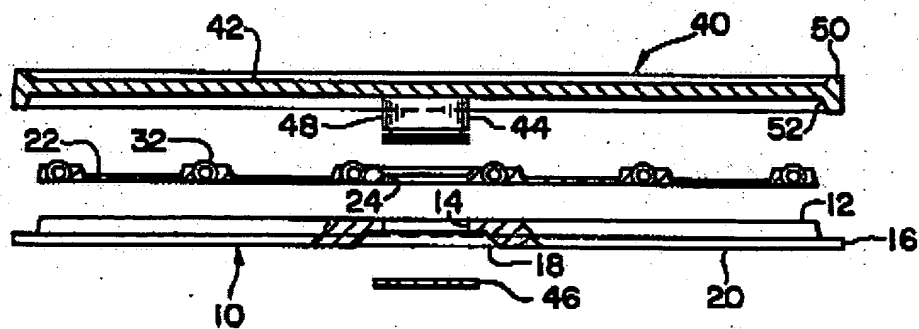


FIG. 2



Claim Rejections - 35 USC § 103



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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

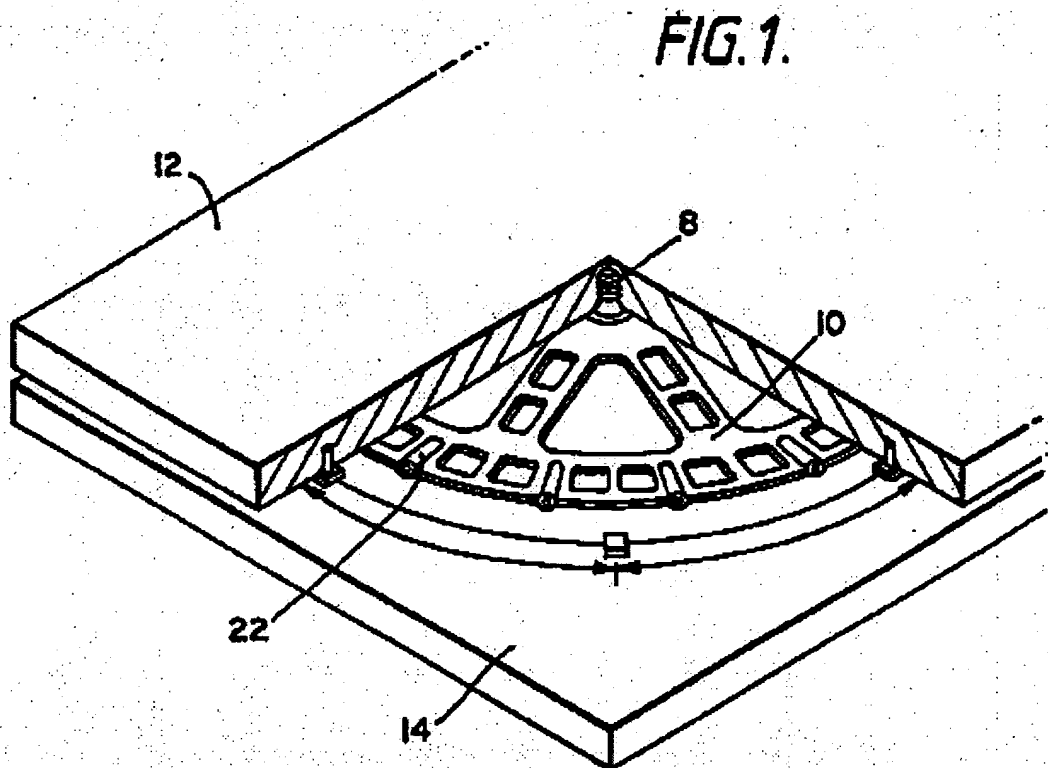
The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 30,31,and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins et al as applied to claims 29 and 32 above and further in view of Harley(US005080322). In regards to claims 30 and 31, Blevins teaches the use of a rotation means comprising an axel member attached to the platform, however Blevins does not teach the use of a axel means located in aligned apertures arranged centrally in the platform and base, with said axel means comprising a pin that connects the platform and base. Referring to figure 1, Harley teaches a turntable similar to that disclosed by Blevins, wherein the axel means comprises a pin(8) aligned in apertures centrally located on the platform and base, whereby the pin connects both the platform and base. It would have been obvious to one of ordinary skill in the art at the time of invention to replace the axel means of Blevins with the axel means of Harley, because such an arrangement would have the same functionality as the original axel of Blevins

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and could be construed as a simple design choice. In regards to claim 35 Blevins teaches the use of ball bearings as his bearing means, however the use of rollers is not disclosed, Harley however discloses the use of rollers(22) as bearing means on a turntable. It would have been obvious to one of ordinary skill in the art at the time of invention to replace the ball bearings of Blevins with the rollers of Harley, because as the applicant discloses, these are both bearing means and the substitution of one for another was seen as a design choice and not critical to the operation of the present invention.



Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins as applied to claim 32 above in view of Van Der Meer(US001732113). While Blevins discloses the use of ball bearings connected to a separate bearing member located between the platform and the base, Blevins does not disclose bearing means connected to one of the platform or base, with an annular track on the other of the platform or base. Van Der Meer teaches a similar turntable comprising bearings attached to the platform section, with an annular track on the base as a bearing means. It would have

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been obvious to one of ordinary skill in the art at the time of invention to replace the bearing assembly of Blevins with the assembly of Van Der Meer, as they would have the same functionality and was seen as a design choice, or alternatively because the bearing assembly of Van Der Meer comprises fewer parts, having no separate bearing member, and would therefore be easier to manufacture.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley H. Duckworth whose telephone number is 571-272-2304. The examiner can normally be reached on m-f 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to be 'BHD' with a stylized flourish.

BHD

11/14/06

A handwritten signature in black ink, appearing to be 'Carl D. Friedman'.

Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600